



California Regulatory Notice Register

REGISTER 2007, NO. 23-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JUNE 8, 2007

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Thomson West and is offered by subscription for \$202.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Thomson-West/Barclays, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 4. CALIFORNIA HORSE RACING BOARD

CALIFORNIA HORSE RACING BOARD TITLE 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND RULE 1486. TERM OF LICENSE

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1486, Term of License, to add "backstretch event personnel" to the class of licenses whose term expires on the last day of the year in which they are issued, and are automatically extended to expire on the last day of the birth month of the licensee. Subsequent backstretch event personnel license renewals shall expire on the last day of the birth month of the licensee on an annual basis.

PUBLIC HEARING

The Board will hold a public hearing starting at **1:00 p.m., Tuesday, August 21, 2007**, or as soon after that as business before the Board will permit, at the **San Luis Rey Downs, 5772 Camino Del Rey, Bonsall, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representatives, may submit written comments about the pro-

posed regulatory action to the Board. The written comment period closes at **5:00 p.m., on July 23, 2007**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
Fax: (916) 263-6022
E-Mail: harolda@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19704, Business and Professions (B&P) Code. Reference: Sections 19510, 19520, 19521 and 19704, B&P Code.

B&P Code Sections 19440 and 19704 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Sections 19510, 19520, 19521 and 19704, B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. B&P Code Section 19510 provides that no person required to be licensed pursuant to Article 5 may participate in any capacity in any horse race meeting without a valid and unrevoked license. B&P Code Section 19520 states every person not required to be licensed under Article 4 (commencing with Section 19480) who participates in, or has anything to do with the racing of horses, shall be licensed by the Board pursuant to rules and regulations that the Board may adopt. B&P Code Section 19521 provides that an original license issued pursuant to Article 5.5 shall be issued for a period of the calendar year in which it is issued, and shall be renewable for a period, which the Board may, by regulation, establish. B&P Code Section 19704 states the Board shall issue a license for participants in mule racing. The license shall be limited to mule races only.

A proposal to add a new class of license called "backstretch event personnel" to Board Rule 1481, Occupational Licenses and Fees, was adopted at the February 2007 Regular Board Meeting. Rule 1481 does not set the term of a license. This necessitates the amendment

of Rule 1486, Term of License, which is the rule that describes the term of the Board's occupational licenses. The proposal to amend Rule 1486 would add "backstretch event personnel" to those classes of license whose term is one year. As with the other classes of occupational licenses under Rule 1486(b), the initial license would expire on the last day of the year in which it is issued, and would automatically be extended to the last day of the birth month of the licensee in the following year. Each subsequent license renewal would expire on the licensee's birth date.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1486 will not have a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1486 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1486 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as

effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: harolda@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Regulation Analyst
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 7. BOARD OF PILOT COMMISSIONERS

TITLE 7, Calif. Code of Regulations, Division 2

BOARD OF PILOT COMMISSIONERS

NOTICE OF PROPOSED CHANGES

§215	Pilot and Inland Pilot Training
§236.1 (new)	Pilot Boat Surcharge
§238 (new)	Pilot Pension Benefit Calculations
§239 (new)	Pilot Disability Retirements

NOTICE

NOTICE IS HEREBY GIVEN that the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun (the "Board") is proposing to take the action described in the Informative Digest below. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Port of San Francisco, Pier 1, Bayside Room, San Francisco, California beginning immediately following the regular scheduled Board meeting **Tuesday, July 24, 2007 (approximately 10:30 a.m.)**. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under CONTACT PERSON at the end of this Notice, must be received by the Board at its office no later than noon, Monday, July 23, 2007, or must be received by the Board at the hearing.

**NOTE: Location is subject to change. Check the Board's web-site at www.pilotcommission.org or call the contact person at the end of this Notice to confirm location.*

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1154 of the Harbors and Navigation Code, and to implement, interpret or make specific Sections 1163, 1164, 1171.5 and 1190 of said Code, the Board is considering changes to Division 2 of Title 7 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

The Board licenses and regulates maritime pilots for Monterey Bay and the Bays of San Francisco, San Pablo and Suisun and their tributaries. The Board also administers a pilot and inland pilot training program; determines the surcharge rate that pilots may charge to recover their costs of obtaining new pilot boats and of modifying existing pilot boats to extend their service life; and oversees a pilot pension plan.

The Board is considering the following rulemaking relative to the above functions:

(1) **Pilot and Inland Pilot Training:**

Training requirements for serving pilots and inland pilots are set forth in Section 215 of Title 7, California Code of Regulations.

Those requirements include attendance at a combination course of at least five days in length covering bridge resource management, shiphandling on simulators, emergency medical response, advanced electronic navigation systems and regulatory review.

Currently, pilots and inland pilots must complete this course at least once every **three years**. The proposed amendment would change this requirement to once every **five years**.

(2) **Pilot Boat Surcharges**

Harbors and Navigations Code Section 1190 provides for various pilotage fees and rates. Subsection 1190(a)(1)(B) provides for a pilot boat surcharge to recover the pilots' costs of obtaining new pilot boats and of funding design and engineering modifications to extend the service life of existing pilot boats.

The rate for the pilot boat surcharge is set and periodically adjusted by the Board.

The Board has not previously adopted regulations relative to the pilot boat surcharge. It now proposes to adopt a new regulation, Section 236.1, which would set forth procedures for obtaining the Board's authorization to recover the costs authorized by Subsection 1190(a)(1)(B) and to set and periodically adjust the pilot boat surcharge.

(3) **San Francisco Pilot Pension Plan**

Harbors and Navigation Code Sections 1160–1168 provide for a San Francisco Pilot Pension Plan ("the Plan"). The Plan is administered by one or more fiduciaries appointed by the Board.

The Board has not previously adopted regulations relative to the Plan. It now proposes to adopt regulations to address benefit calculations (new Section 238) and disability retirement procedures (new Section 239).

The proposed rulemaking is based on the Board's experience, the recommendations of its various committees and participants in the various public workshops.

POLICY STATEMENT OVERVIEW

The **broad objectives** of these amendments are (1) to align the frequency of pilot training with national standards, (2) to adopt procedures for the use of the pilot boat surcharge in keeping with the purpose of the surcharge and the Board's fiscal responsibility; and (3) to adopt guidelines for pension benefit calculations and disability retirement procedures to ensure conformance to code provisions, consistency and clarity.

The **specific objectives** of this proposed rulemaking are as follows:

- (A) For amendments to Section 215 (**Pilot and Inland Pilot Training**) — to adjust the frequency of the training cycle required by Subsection 215(b)(2) from once every three years to once every five years to align it with the frequency for most other

professional continuing education requirements for mariners.

- (B) For adoption of new Section 236.1 (**Pilot Boat Surcharge**):

- (1) to provide for a three-step process before a surcharge is authorized:

(a) a necessity determination — requiring the party requesting the surcharge to establish that expenditures for a new pilot boat or for life extension modifications to an existing pilot boat are necessary;

(b) a preliminary authorization to provide an opportunity for meaningful and early communication among affected parties (including rate payers and pilots) and the Board on issues relevant to the costs of obtaining new pilot boats or of funding life extension modifications to existing pilot boats (including a review of basic design and performance specifications, cost estimates, milestones for delivery/completion and long term financing); and

(c) a final authorization setting forth the costs to be recovered, the reasons therefor, the initial surcharge rate and the date that rate is to go into effect.

- (2) Provisions are made:

(a) for requests to be submitted in writing;

(b) for documentation to support each stage of the request;

(c) for notice to parties directly effected by pilotage rates (or to a trade organization representing such parties) and to all other parties who have requested such notice, of each Board meeting at which any of the above determinations are to be considered;

(d) for determining, quantifying, and periodically reviewing anticipated and actual operational savings (including reduced repair and maintenance expenses) expected to result from service life extension modifications to existing pilot boats;

(e) for debt reduction from the sale or other disposition of existing pilot boats;

(f) for a Pilot Vessel Advisory Committee to review and assess the documentation provided in support of the various requests, to conduct independent investigation of the issues or request additional documentation

and to develop recommendations to the Board;

(g) for the Board's Finance Committee to review the costs authorized for recovery through the Pilot Boat Surcharge, to review current and projected income from the surcharge and to develop recommendations to the Board for periodic adjustments to maintain a commercially reasonable reserve until all costs authorized have been recovered; and

(h) to address the terms "new pilot boat," "sale of existing pilot boats" and "net proceeds" as used in this regulation.

(C) For adoption of new Section 238 (**Pilot Pension Benefit Calculations**):

- (1) to provide for a definition of pilot "service" that is consistent with past practice (generally including all time the pilot held a pilot license issued by the Board and was authorized to pilot thereunder but excluding periods during which the pilot's license was suspended, the pilot was on a leave of absence greater than 30 days, or the pilot failed to perform his or her full share of the assignments as required by Section 219(b));
- (2) to interpret the code provision "six months or more of service by a pilot or inland pilot shall be considered a full year" in Harbors and Navigation Code Section 1163(c) in a way that is consistent with past practice (by treating it as a rounding rule);
- (3) to require the Port Agent to verify annually for each pilot whether he or she performed his or her full share of assignments as required by Section 219(b), and for those who did not, the number of days that the pilot was unavailable for service;
- (4) to provide reporting and appeal procedures relative to the above certification;
- (5) to provide for the maintenance of the reports required by this section and the results of any appeals;
- (6) to provide for the calculation of pilot "service," the written report thereof, and its availability as a public record.

(D) for adoption of new Section 239 (**Disability Retirements**):

- (1) to provide definitions of "disability", "disabled", "date on which the pilot became disabled", and "last year prior to the pilot's disability" as those terms are used in Harbors

and Navigation Code Sections 1163 and 1164;

- (2) to provide that requests for a disability determination be in writing and specify documentation to support the request in sufficient detail to permit the Board to determine whether the pilot is disabled;
- (3) to provide for procedures for a determination by a Board physician whether the pilot is disabled;
- (4) to provide procedures for the Board's Pension Committee to review the request, supporting documentation and the Board physician's opinions and to develop recommendations to the Board relative to the disability determination, years of service, and issues related to the calculation of the disabled pilot's pension benefits.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Pilot and Inland Pilot Training:

Training of serving pilots and inland pilots is provided through contracts administered by the Board and is funded through a separate surcharge (currently \$20 per vessel movement). Changing the frequency of pilot training from once every three years to once every five years is expected to reduce the costs associated with such training.

Costs associated with the training affected by the proposed amendment are currently about \$4,600 per pilot.

There are currently 60 pilots and one inland pilot. Sending all 61, assuming no turnover, costs approximately \$282,000 for one complete training cycle. That cost equates to approximately \$94,000 a year if the training is required every three years, and \$56,000 a year if required every five years.

Thus a savings of about **\$38,000 a year** may be realized from the proposed amendment. (Actual savings will depend on the number of retirements, the number of new pilots, when the retired pilot had been last sent for training, the timing of training new pilots and any changes in the actual costs associated with the training.)

Pilot Boat Surcharge

Agency costs associated with the proposed rulemaking relative to the pilot boat surcharge are expected to be minimal, are primarily administrative in nature, and are expected to be absorbed by the Board's current budget. Furthermore, pilot boats have a life expectancy of 15 to 30 years depending on usage (run boats vs. station boats.) Thus requests to build or acquire a new boat or to

make service life extension modifications to existing boats are anticipated to be infrequent.

San Francisco Pilot Pension Plan

Agency costs associated with the proposed rulemaking relative to the pension plan are also expected to be minimal, are primarily administrative in nature, and are expected to be absorbed by the Board's current budget.

Benefit calculations would be done by Board staff and/or fiduciaries appointed by the Board. The fiduciaries' expenses are paid by the Plan through the pension surcharge.

Costs associated with the review of medical reports by a Board physician in conjunction with the Board's disability determination would be borne under current contracts with Board physicians. Disability retirements have been relatively infrequent (four in the last ten years.)

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Other than the Board's determination, no studies or data were relied upon in making the above determination.

Impact on Jobs/New Businesses: The Board has made an initial determination that this proposed regulatory action will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Business: The Board is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action beyond those inherent in the underlying statutes.

These statutes provide separate surcharges for training serving pilots and inland pilots, to recover the costs for new pilot boats or service life extension modifications to existing pilot boats and to fund the pilot pension plan. These surcharges are paid by vessels using pilot services while entering, transiting or leaving the Bays of San Francisco, San Pablo and Suisun. A brief discussion of each, and the relationship of the proposed rulemaking to those surcharges follows:

Pilot and Inland Pilot Training

As noted above, the proposed amendment to the pilot and inland pilot training program is likely to see a reduction in the costs associated with the program over time. Current surcharge rates are well below training expenses as the Board still has a reserve in excess of three months' expenditures. The other training requirements remain unaffected by the proposed amendment, and some increase in training costs due to an increase in the number of anticipated retirements and consequent licensing of new pilots could offset the savings to some extent.

The surcharge revenues vary with the number of ship moves and are reviewed quarterly by the Board's Finance Committee, which also reviews the Board's training program expenses and makes recommendations to the Board for periodic adjustments in the surcharge rate to cover the Board's actual training expenses and to maintain an adequate reserve. (At the current rate of about 780 ship moves a month the projected savings from the proposed rulemaking taken in isolation would equate to about \$4.00 per move.)

Pilot Boat Surcharge

The proposed regulation provides a process for obtaining Board authorization for the use of the pilot boat surcharge to recover the pilots' costs of obtaining new pilot boats or of making service life extension modifications to existing pilot boats, as authorized by Harbors and Navigation Code Section 1190(a)(1)(B). That process allows for participation by representatives of those directly affected — the pilots and vessel interests who are the ratepayers that pay that surcharge. The process itself and this proposed regulatory action are not expected to have a substantial cost impact on a representative private person or business.

San Francisco Pilot Pension Plan

The legislature has provided a pension plan for retired and disabled pilots and inland pilots and their surviving spouses in Harbors and Navigation Code Sections 1160–1168. Benefits under the plan are paid through a separate surcharge. The surcharge is in the form of mils per gross registered ton and is adjusted quarterly based on current data from vessels using services of pilots licensed by the Board. (There is no fund to be invested.) The rate provided by statute is that rate necessary to pay the benefits to be paid out pursuant to the plan and to pay the plan's expenses.

Benefits under the plan are calculated based on full years of pilot service. Since the plan's inception in 1974, pilot service calculations for retiring pilots had been made by the fiduciary appointed by the Board.

This proposed rulemaking would put in regulation, with minor modification, existing practice. In essence,

the term “full years of pilot service” for purposes of calculating pension benefits would include all time that the pilot was licensed and obligated to perform his or her full share of assignments as a pilot unless prevented by illness or other cause satisfactory to the Port Agent and the Board.

Periods during which the pilot’s license was suspended are excluded, as are periods during which the pilot was on extended leave of absence or failed to comply with the Board’s requirements relative to performing his or her full share of assignments.

The proposed regulatory action does include a reporting procedure not previously specified in regulation. The Port Agent would be required to certify annually that each pilot performed his or her full share of assignments, and for a pilot who did not, provide the number of days that that pilot was unavailable for service.

This reporting requirement is not anticipated to be burdensome as most of the information is already being tracked by the Port Agent; nor is it expected to result in significant costs to the San Francisco Bar Pilots. (The Port Agent has advised that the number of pilots who did not perform their full share of assignments has typically been five or less in any one year and that the total number of days that those pilots were unavailable for service, collectively, was in the range of 30 days or less.)

Disability Retirements

The procedures for obtaining a disability determination under the San Francisco Pilot Pension Plan incorporate the procedures that have been followed in the few instances that a pilot has retired due to a disability (four in the past ten years.) The cost impact on the affected pilot is considered to be insubstantial. (A written request supported by medical reports, typically a letter from the treating physician along with existing medical records will usually suffice.)

Effect on Housing Costs: The Board has made an initial determination that the proposed regulatory action will not affect housing costs.

EFFECT ON SMALL BUSINESSES

The Board has made an initial determination that the proposed regulatory action would not affect small businesses since the parties involved do not fall within the definition of “small business” per Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative to the proposed regulatory action would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments relevant to the above determinations orally at the above-mentioned hearing or in writing during the public comment period set forth in this Notice.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed regulatory action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board’s Executive Director, Captain Patrick A. Moloney, at Pier 9, Suite 102, San Francisco, California 94111.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection at the Board office at Pier 9, Suite 102, San Francisco, CA.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Captain Patrick A. Moloney
Addr:	Pier 9, Suite 102 San Francisco, CA 94111
Tele:	(415) 397-2253
Fax:	(415) 397-9463
e-mail	pilots@earthlink.net

The backup contact person is:

Name: Alice Evans
 Addr: Pier 9, Suite 102
 San Francisco, CA 94111
 Tele: (415) 397-2253
 Fax: (415) 397-9463
 e-mail: aepilots@earthlink.net

REFERENCE

The statutory references for this regulatory action are Sections 11833 and 11834.27 of the Health and Safety Code

WEBSITE POSTING

Additional information about this proposed rulemaking may be found at the Board's website at:

<http://www.pilotcommission.org>
 go to "Notices of Proposed Rulemaking"
 or: <http://www.pilotcommission.org/rules.shtml>

TITLE 9. DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

Amendment of Section 13035, Title 9, California Code of Regulations

COUNSELOR CERTIFICATION — CERTIFYING ORGANIZATIONS

Notice of Rulemaking and Public Comment Period

NOTICE IS HEREBY GIVEN that the California Department of Alcohol and Drug Programs (ADP) proposes to adopt new NTP regulations Sections 13035, Title 9, California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In order to work as a counselor in an alcohol and other drug (AOD) treatment program, individuals are currently required to be certified by one of the certifying organizations listed in Section 13035(a), Title 9, California Code of Regulations (CCR). Section 13035 currently requires all certifying organizations to become accredited by the National Commission for Certifying Agencies (NCCA) by April 1, 2007 in order to continue certifying AOD counselors. This regulatory action will amend Section 13035(b) and (c) to extend the date by which certifying organizations must be accredited by NCCA to September 30, 2007.

AUTHORITY

These regulations are being adopted pursuant to Sections 11755 and 11834.50 of the Health and Safety Code.

FISCAL IMPACT STATEMENTS

Anticipated costs or savings to federal funding to the state:

None

Anticipated costs or savings to state agencies:

None

Anticipated costs to county or local government:

None

Anticipated fiscal or economic impact on business:

ADP has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. In fact, the proposed regulatory action will benefit business throughout the State of California. The proposed extension will prevent certifying organizations from going out of the certification business and will prevent a major workforce disruption in the AOD field that could force AOD programs to reduce services or close completely.

This regulatory action will not affect the ability of California businesses to compete with businesses in other states, as other states already require certification of AOD counselors. This regulatory action will not affect the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Anticipated fiscal or economic impact on small businesses:

This regulatory action will impact small businesses, since most AOD programs are small businesses. However this regulatory action will benefit small business by preventing a major workforce disruption in the AOD field that could force many AOD programs out of business.

Impact on Representative Private Persons or Businesses:

ADP is not aware of any costs impacts that a representative private person or business will necessarily incur in reasonable compliance with the proposed regulatory action. In fact the proposed regulatory action will benefit up to 6,800 individuals currently registered or certified as AOD counselors. This regulatory change will prevent the need for those individuals to re-register with other certifying organizations, pay additional fees,

and repeat already completed coursework. Without this regulatory action, many individuals studying to work in the AOD field may be unable to complete their certification and be forced out of the AOD field.

Mandate to Local Agencies or School Districts:

ADP has determined that this regulatory action will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

Other Non-discretionary Costs or Savings Imposed upon Local Agencies:

None.

Impact on Housing Costs:

ADP does not anticipate that this regulatory action will impact housing costs in any way.

WRITTEN COMMENT PERIOD

Any interested person or his authorized representative may submit written comments on the proposed regulatory action. **The written comment period closes at 5 p.m. on July 23, 2007.** Please submit any written comments before that time. ADP cannot accept written comments after the close of the public comment period. Please send written comments to Mary Conway, Regulations Coordinator, Department of Alcohol and Drug Programs, 1700 K Street, Sacramento, CA 95814. Comments may also be submitted by fax at (916) 323-5873 or e-mail at MCONWAY@ADP.STATE.CA.US.

SCOPE OF TESTIMONY

Section 11346.8(c) of the Government Code prohibits ADP from making any changes to the text of a noticed regulation after the public hearing, unless the change was so sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed action. Therefore please make your comments specific to the regulation discussed in this notice. Please indicate the number of the section you would like changed, the specific change requested, and the reason why you would like the section changed. Since ADP cannot make changes to sections of regulation which were not mentioned in this public notice, during the public comment period ADP will not consider testimony regarding changes which are outside the scope of this notice.

If you wish to request ADP to amend, adopt, or repeal additional sections of regulation, ADP is required to consider those changes in a separate regulatory action.

PUBLIC HEARING

ADP has not scheduled a public hearing on the proposed regulatory action. However, if any person wishes to submit oral comments, ADP will schedule a public hearing upon receipt of that person's written request. Such request must be received at the address shown above no later than 15 days prior to the close of the written comment period.

CONSIDERATION OF ALTERNATIVES

Pursuant to Section 11346.5(a)(13) of the Government Code, ADP must determine that no reasonable alternative considered by ADP or that has otherwise been identified and brought to the attention of ADP would be more effective in carrying out the purpose for which this regulatory action was taken. ADP must also determine that no alternative would be as effective and less burdensome to affected private persons than the regulatory action taken. ADP will consider any alternatives presented during the public comment period.

ADDITIONAL CHANGES

ADP may modify the proposed regulation in response to testimony received during the 45-day public comment period, so long as any additional changes made are sufficiently related to the proposed regulatory action and within the scope of this notice. ADP will make available to any interested persons, for at least 15 days prior to the date on which ADP adopts, amends, or repeals the resulting regulation, the full text of any regulation which is changed or modified from the express terms to this regulatory action. ADP will mail a copy of the additional changes to any person who testified or submitted comments during the public hearing (if one is requested), who submitted written comments during the 45-day public comment period, or who requested copies of additional changes. Please call ADP's regulations coordinator at (916) 327-4742 if you wish to receive a copy of any additional changes and you do not plan to present comments regarding the proposed regulatory action.

AVAILABILITY OF TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

ADP has prepared and has available for review upon request the text of the proposed regulations discussed in this notice, written in plain English; an initial statement of reasons, explaining the necessity for each regulatory change; and all the information upon which the proposed regulations were based. To obtain a copy, please call Mary Conway at (916) 327-4742 or write to her at

the address shown on the first page of this notice. If you received this public notice in the mail, the text of the proposed regulation and the initial statement of reasons were enclosed. The proposed regulations and initial statement of reasons are also available on ADP's web site at <http://www.adp.ca.gov>.

PERSON TO CONTACT FOR ADDITIONAL INFORMATION

ADP's contact for this regulation package is Mary Conway [(916) 327-4742]. Catherine Sorenson [(916) 322-4251] is the back up contact. Questions regarding the policy contained in the proposed regulatory action should be directed to Joan Robbins [(916) 324-3084]

FINAL STATEMENT OF REASONS

After the close of the 45-day public comment period, ADP will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, please call Mary Conway at (916) 327-4742. The final statement of reasons will also be posted on ADP's web site at <http://www.adp.ca.gov>.

TITLE 14. DEPARTMENT OF FORESTRY AND FIRE PROTECTION

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

NOTICE IS HEREBY GIVEN that the California Department of Forestry and Fire Protection, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300 through 87302, and Section 87306 of the Government Code.

The California Department of Forestry and Fire Protection proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

This amendment adds new positions, deletes abolished positions, amends disclosure categories for spe-

cific positions, and makes other technical changes to reflect the current organizational structure of the Department. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the designated person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 20, 2007, or at the conclusion of the public hearing, if requested, whichever comes later, to the designated person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than July 5, 2007, by contacting the designated person set forth below.

The California Department of Forestry and Fire Protection has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the designated person set forth below.

The California Department of Forestry and Fire Protection has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 7 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the California Department of Forestry and Fire Protection has determined that no alternative considered would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective as and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

California Department of Forestry and Fire
Protection
Attention: Cynthia Oreb, Human Resources
P.O. Box 944246
Sacramento, California 94244-2460
FAX: (916) 445-7806
Email: cindy.oreb@fire.ca.gov

TITLE 15. CORRECTIONS STANDARDS AUTHORITY

NOTICE OF PROPOSED AMENDMENT TO TITLE 15, STANDARDS AND TRAINING FOR LOCAL CORRECTIONS AND PROBATION OFFICERS, CALIFORNIA CODE OF REGULATIONS, BY THE STATE CORRECTIONS STANDARDS AUTHORITY

Pursuant to Welfare and Institutions Code Section 176, the State Corrections Standards Authority (CSA) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the CSA to amend and adopt the regulations contained in Title 15, Division 1, Subchapter 1, California Code of Regulations (known as the Standards and Training for Local Corrections and Probation Officers), after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

The CSA will hold the following public hearings:

August 16, 2007

10:00 am

Corrections Standards Authority
660 Conference Room
660 Bercut Drive
Sacramento, CA 95814

July 12, 2007

2:00 pm

Orange County Probation Department
Training Room #3
1001 South Grand Avenue
Santa Ana, CA 92705

Both locations are wheelchair accessible. At the hearings, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The CSA requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The hearing will remain open

only as long as persons in attendance are presenting testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the CSA. The written comment period closes at **5:00 pm on July 23, 2007**. The CSA will consider only comments received at CSA offices by that time. Submit comments to:

Sukie Dhillon, Field Representative
600 Bercut Drive
Sacramento CA 95814
Phone: (916) 445-9154
sukie.dhillon@cdcr.ca.gov
Fax: (916) 322-5036

AUTHORITY AND REFERENCE

The California Penal Code Section 6035 authorizes the CSA to adopt and amend the proposed regulations, which would implement, interpret, or make specific Section 6035 of the Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

California Penal Code Section 6035 authorizes the CSA to establish standards for local corrections and probation officers.

Summary of Existing Regulations

Existing standards that prescribe requirements for local corrections and probation officers are promulgated by the Corrections Standards Authority. These regulations are contained in Title 15 — Crime Prevention and Corrections, Division 1, Chapter 1, Subchapter 1 of the California Code of Regulations (CCR).

Summary of Effect

The proposed action would update Title 15, Division 1, Chapter 1, Subchapter 1 CCR by increasing the minimum hours of instruction for juvenile corrections officers from 134 hours to 160 hours.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain regulations for local corrections and probation officers to afford entry-level employees enhanced opportunities to master complex skills necessary for successful performance.

Section 176, Juvenile Counselor Core Course. The title was changed from Juvenile Counselor Core Course to Juvenile Corrections Officer Core Course to enhance clarity. This regulation specifies the requirement for the minimum hours of instruction in the Juvenile Corrections Officer Core Course. This revision requires an additional 26 hours of instruction in the Juvenile Corrections Officer Core Course.

DISCLOSURE REGARDING THE PROPOSED ACTION

The CSA has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None

Other nondiscretionary costs or savings imposed on local agencies: None

Costs or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The CSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California

Significant effect on housing costs: None.

Small Business Determination:

The CSA has determined that the proposed regulations will have no affect on small businesses. These proposed regulations affect the operations and programs for local corrections.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the CSA must determine that, no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The CSA invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearings or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Sukie Dhillon, Field Representative
600 Bercut Drive
Sacramento, CA 95814
Phone: (916) 445-9154
sukie.dhillon@cdcr.ca.gov
Fax: (916) 322-5036

Or

John Prince, Field Representative
600 Bercut Drive
Sacramento, CA 95814
Phone: (916) 322-1145
john.prince@cdcr.ca.gov
Fax: (916) 322-5036

Questions on the substance of the proposed regulations may be directed to Ms. Dhillon or Mr. Prince.

Please direct requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which this rulemaking is based to Ms. Dhillon at the above contact information.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Initial Statement of Reasons and text of the proposed regulation, as well as the rulemaking file, which includes all the information on which this proposal is based, is available for viewing at the CSA's office at the above address.

AVAILABILITY OF MODIFIED TEXT

If the CSA makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CSA adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be accessed through the CSA website at

www.csa.ca.gov. Those persons who do not have access to the Internet may submit a written request to Sukie Dhillon at the above address.

AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice Of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in ~~strikeout~~ and underline can be accessed through our website at www.csa.ca.gov. Those persons who do not have access to the Internet may submit a written request to Sukie Dhillon at the above address.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF PROPOSED REGULATIONS

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5, Penal Code (PC) Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to adopt and amend Sections 3173.2 in the California Code of Regulations (CCR), Title 15 concerning visiting searches.

PUBLIC HEARING

Date and Time: July 31, 2007 — 9:00 am to 10:00 am
Place: Corrections Standards Authority
Large Conference Room
660 Bercut Drive, West Entrance
Sacramento, CA 95814
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close, July 31, 2007, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916)

341-7366; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 341-7390**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Kelly Medina
Regulation and Policy Management Branch
Telephone (916) 341-7326**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Don Price, CCII
Division of Adult Institutions
Telephone (916) 322-1843**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS**

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

**ASSESSMENTS OF EFFECTS ON JOB
AND/OR BUSINESS CREATION,
ELIMINATION OR EXPANSION**

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

**AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS**

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

**AVAILABILITY OF CHANGES
TO PROPOSED TEXT**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the director. Commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

- This action amends provisions governing the searches and inspections for visitors within the California Department of Corrections and Rehabilitation (Department). California Code of Regulations, Section 3173.2 is being amended to delete probable cause and adopt reasonable suspicion.

- These regulations are necessary based on the need to prevent the introduction of contraband into the Facility/Institutions and to provide a safe environment for staff, inmates and visitors alike. They will ensure that proper legal standards are followed for searches involving visitors, which in turn would allow the district attorneys to take legal action against those that custody staff reasonably suspect may introduce contraband while visiting.

TITLE 16. BOARD FOR GEOLOGISTS AND GEOPHYSICISTS

NOTICE IS HEREBY GIVEN that the Board for Geologists and Geophysicists is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 1625 North Market Boulevard, Hearing Room, Sacramento, California, at 10:00 a.m., on August 3, 2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board for Geologists and Geophysicists at its office not later than 5:00 p.m. on August 2, 2007 or must be received by the Board for Geologists and Geophysicists at the hearing. The Board for Geologists and Geophysicists, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 7818 and 7860 of the Business and Professions Code, and to implement, interpret or make specific Section 7860 of said Code, the Board for Geologists and Geophysicists is considering changes to Division 29 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to amend Section 3065, Title 16, Division 29 of the California Code of Regulations, "Professional Standards."

Business and Professions Code section 7860 specifies that the board may publicly reprove, suspend for a

period not to exceed two years, or revoke the certificate of any professional geologist or professional geophysicist or publicly reprove or revoke the temporary authorization granted to any person pursuant to section 7848 or 7848.1 of the Business and Professions Code on the grounds that in the course of his or her practice as a geologist or geophysicist violates professional standards adopted by the board.

Current regulations set professional standards with regard to competency, misrepresentation, conflict of interest, use of confidential information, and required notifications.

This proposal would specify the circumstances under which a violation of professional conduct in the practice of professional geology or geophysics is grounds for disciplinary action. In addition, this proposal would include sections outlining requirements for compliance with applicable laws.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board for Geologists and Geophysicists has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board for Geologists and Geophysicists is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board for Geologists and Geophysicists has determined that the proposed regulations would not affect small businesses as only the individuals in violation of

the Professional Standards and Code of Professional Conduct would be subject to disciplinary action.

CONSIDERATION OF ALTERNATIVES

The Board for Geologists and Geophysicists must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board for Geologists and Geophysicists has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board for Geologists and Geophysicists at 2535 Capitol Oaks Drive, Suite 300A, Sacramento, California 95833-2926.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Rick Rempel, Executive Officer
Address: 2535 Capitol Oaks Drive,
Suite 300A
Sacramento, CA 95833-2926
Telephone No.: (916) 263-2113
Fax No.: (916) 263-2099
E-Mail Address: geology@dca.ca.gov

The backup contact person is:

Name: Christine Doering
Address: 2535 Capitol Oaks Drive,
Suite 300A
Sacramento, CA 95833-2926
Telephone No.: (916) 263-2113
Fax No.: (916) 263-2099
E-Mail Address: geology@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.geology.ca.gov.

TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Department of Consumer Affairs, Hearing Room, 1625 North Market Boulevard, Sacramento, California, at 10:30 a.m., on July 26, 2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on July 23, 2007 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 2570.3 and 2570.20 of the Business and Professions Code, and to implement, interpret or make specific sections 2570.2 and 2570.3 of the Business and Professions Code, the Board is proposing revising Division 39, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law requires an occupational therapist (OT) complete post professional education and supervised on-the-job training in order to provide treatment to clients in the advanced practice areas of hand therapy, physical agent modalities, and swallowing assessment, evaluation, and intervention. Advanced practice approval is granted once a licensee demonstrates competency in the specific area for which they applied. Advanced practice approval by the Board does not signify expertise, but rather minimum competency.

Amend section 4154. The proposed language removes the term "certification" from the regulation in order to eliminate any inference that occupational therapists who have advanced practice approval are experts in their field. The proposal also removes from subsection (d) language concerning dates which is no longer relevant.

Amend section 4155. The proposed language establishes an application abandonment period of six months and removes outdated language which allowed OTs to submit application for advanced practice approval based on substantially equivalent education and training.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses because the regulation does not regulate small businesses, does not require reports or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons that sets forth the reasons for the proposed action and has all the information upon which the proposal is based.

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from our website as listed below upon written request from the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

April Freeman
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3278
(916) 445-6167 (FAX)
cbot@dca.ca.gov

The backup contact person is:

Heather Martin
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3394
(916) 445-6167 (FAX)
cbot@dca.ca.gov

Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > Laws and Regulations > Proposed Regulations.

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the proposed action in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 23, 2007.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the Board. The request must be received in the Board's office no later than 5:00 p.m. July 9, 2007.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the action.

Authority and Reference: Pursuant to the authority vested by sections 2570.10 and 2570.20 of the Business

and Professions Code, and to implement, interpret or make specific section 2570.10 of the Business and Professions Code, the Board is considering adding to Division 39, Title 16, of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On January 1, 2001, Senate Bill 1046 (Murray, Chapter 697, Statutes of 2000) took effect, establishing the Board whose duties are to license occupational therapists, certify occupational therapy assistants and regulate the occupational therapy profession. This law gives the Board authority to adopt, by regulation, continuing competency requirements as a condition of license renewal. The proposed regulatory actions are necessary to implement this legislation.

In order to qualify for licensure or certification, applicants who have not been actively engaged in the practice of occupational therapy within the past five years, may submit evidence of completing continuing competency in accordance with Business and Professions Code section 2570.14. Applicants shall submit to the board evidence of meeting the continuing competency requirements.

Section 4161: The proposed language establishes the requirements for completing continuing competence for applicants who are doing so in order to qualify for licensure or certification. The proposed language sets forth the required number of hours to complete and provides a further breakdown by content area and number of hours in each required area.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the regulations do not regulate small businesses, do not require reports or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Occupational Therapy, 444 North Third Street, Suite 410, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF
THE FINAL STATEMENT OF REASONS
AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

April Freeman
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3394
(916) 445-6167 (FAX)
Email: **CBOT@dca.ca.gov**

The backup contact person is:

Heather Martin
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3394
(916) 445-6167 (FAX)
Email: **CBOT@dca.ca.gov**

Website Access: All materials regarding this proposal can be found on-line at **www.bot.ca.gov > Laws and Regulations > Proposed Regulations.**

**TITLE 21. DEPARTMENT OF
GENERAL SERVICES/DIVISION OF
THE STATE ARCHITECT**

**NOTICE OF INTENTION TO ADOPT
VOLUNTARY CERTIFIED ACCESS
SPECIALIST PROGRAM**

NOTICE IS HEREBY GIVEN that the Division of the State Architect (DSA) proposes to adopt regulations contained in the California Code of Regulations (CCR), Title 21, Division 1, Chapter 1, Subchapter 2.5 after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed adoption. However, pursuant to Government Code Section 11346.8, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written statements, arguments, or comments relevant to the proposed regulatory action to DSA, by submitting them in writing no later than July 23, 2007 until 5pm. DSA will consider only comments received at DSA by that time. Submit comments to:

Division of the State Architect
1102 Q Street, Suite 5100
Sacramento, CA 95814
Attention: Rod Higgins, Senior Architect
(Supervisor)

Written comments may also be faxed to (916) 445-7658 or emailed to: CASprogram@dgs.ca.gov

AUTHORITY AND REFERENCE

Government Code Sections 4459.5 and 4459.7 authorized the State Architect to adopt the proposed regulation, which would implement, interpret, or make specific Sections 4450 through 4460, 12955.1(d) through 12955.1.1 of the Government Code, Sections 19952 through 19959 of Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Division of the State Architect proposes to adopt Articles 1 through 5 in Title 21, Division 1, Chapter 1, Subchapter 2.5 of the California Code of Regulations (CCR). These sections concern a Voluntary Certified Access Specialist Program which includes: Article 1 (General Provisions), Article 2 (Definitions), Article 3 (Certification Process), Article 4 (Fees), and Article 5 (Enforcement).

Government Code Sections 4459.7(a) through 4459.8(b) also provide the State Architect to annually publish and make available to the public a list of Certified Access Specialists (CASp) and provide that this certification is effective for 3 years and renewable.

The purpose of the Voluntary Certified Access Specialist Program is to establish a state body for voluntary

certification of competence as a Certified Access Specialist, as enacted by Chapter 872, Statutes of 2003.

In Article 1 (General Provisions) is adopted to provide for the purpose for the establishment, enforcement and administration of subsequent requirements of the Voluntary Certified Access Specialist Program.

Proposed adoption of Regulation Section 111 establishes purpose of the Chapter. These regulations are adopted by the Division of the State Architect to implement and make specific the Voluntary Certified Access Specialist Program commencing with Section 4459.5 of the Government Code.

Participation in this program is voluntary and is designed to ensure that the individuals participating in this certification program are knowledgeable with state and federal accessibility laws and regulations and possess the expertise to promote access to facilities for persons with disabilities.

Proposed adoption of Regulation Section 112 will provide clarity on authority. The State Architect is responsible for determining the criteria for eligibility and certification of individuals participating in this Voluntary Certified Access Specialist Program pursuant to the provisions of Chapter 7, Division 5, Title 1, Government Code, commencing with Sections 4459.5 –4459.8.

Certification shall only be granted by the Voluntary Certified Access Specialist Program, which operates within the Division of the State Architect.

Proposed adoption of Regulation Section 113 will define the scope of work. Services rendered by a CASp, upon request by a facility owner, may include the following:

- a) Review of facility plans and specifications for compliance with current state and federal accessibility codes and regulations.
- b) Investigate a facility for compliance with current state and federal accessibility codes and regulations.
- c) Conduct accessibility research, prepare accessibility reports, and/or conduct accessibility inspections, as requested.

Proposed adoption of Regulation Section 114 will define the scope of work limited to design professionals. Only design professionals licensed and/or registered by the State of California as an architect, landscape architect, civil engineer, and/or structural engineer shall provide professional design services permitted by their applicable license or registration.

In Article 2 (Definitions) are adopted to maintain a consensus on the specific meaning of terms contained in this regulation. Article 2 performs this function by stating clearly what specific terms mean for purposes of this regulation.

Proposed adoption of Regulation Section 121 will provide clarity on definition of terminology.

“Access Requirement” means a provision for disability access in any federal or state law, regulation, building code or government standard, applicable to the design, construction or inspection of facilities.

“Access Specialist” means any individual currently holding a certificate of Certified Access Specialist.

“CASp” is an acronym for **“Certified Access Specialist”**.

“Facility” means all or any portion of buildings, site improvements, roads, walks, passageways, or parking lots.

“GED” means General Equivalency Diploma.

“Program” means the Voluntary Certified Access Specialist Program.

In Article 3 (Certification Process) is adopted to address the application process, criminal convictions process, education and experience qualification, candidate examination, certification qualification and certification renewal process.

Proposed adoption of Regulation Section 131 will clarify the application process. In order to apply to be a CASp, candidates must submit a completed Candidate Eligibility Application form to establish eligibility for the certification examination.

Proposed adoption of Regulation Section 132 will provide clarity on the criminal convictions process.

- a) The State Architect or Designee may deny acceptance of an applicant into the Program because of a criminal conviction as set forth in Section 151(a)(2).
- b) The State Architect or Designee may require the applicant or certificate holder to provide documents concerning criminal convictions as set forth in Section 151(a)(2) including, but not limited to, certified court documents, certified court orders or sentencing documents. Failure to provide those documents may result in application denial, certificate suspension, or denial of certification renewal.

Proposed adoption of Regulation Section 133 will provide clarity on education and experience qualification. Minimum candidate education and experience eligibility for examination acceptance may be satisfied by:

EITHER:

(A)1 Education: Thirty semester units of college coursework with major work in Architecture, Architectural Technology, Building Science, City and Regional Planning, Civil Engineering, Construction Management, Environmental Design, Industrial Design, Interior Architecture/Design, Landscape Architecture, Urban and Regional Design; and

(A)2 Experience: Two years of full-time employment by:

- a) a code enforcement agency (state, city, and/or county building department); as a plan reviewer, building inspector, or consulting entity; or
- b) a licensed architect, licensed landscape architect, interior designer, registered civil engineer and/or registered structural engineer and with responsibility for planning, design, and/or field inspection; or
- c) a licensed general contractor (Class A or B) as the owner and/or a superintendent.

OR:

(B)1 Education: High school diploma or GED; and

(B)2 Experience: Four years of full-time employment by:

- a) a code enforcement agency (state, city, and/or county building department); as a plan reviewer, building inspector, or consulting entity; or
- b) a licensed architect, licensed landscape architect, interior designer, registered civil engineer and/or registered structural engineer and with responsibility for planning, design, and/or field inspection; or
- c) a licensed general contractor (Class A or B) as the owner and/or a superintendent.

OR:

(C) Three years of full-time employment in a specialized area of disability access rights, conducting assessments of facilities to determine adequacy related to the specific needs of the disabled community.

OR:

(D) Professional license, or registration, issued by the State of California as an architect, landscape architect, civil engineer, and/or structural engineer.

Proposed adoption of Regulation Section 134 will provide clarity on the knowledge requirements for the certification examination. An examination will be administered to assess each candidate’s knowledge of access requirements. The examination may cover a variety of areas including:

- a. Title II, Title III, and Title V of the *Americans with Disabilities Act of 1990* (42 USC Chapter 126), and promulgating regulations, the *Americans with Disabilities Act Accessibility Guidelines (ADAAG)*.
- b. Provisions for accessibility throughout all parts of the current edition of the *California Building Standards Code*.
- c. Provisions for accessibility in California statutes in the *Government Code*, *Health and Safety Code*, and *Civil Code*.

- d. *Fair Housing Amendments Act of 1988* (42 USC Sections 3601–3620) and promulgated technical guidance in the *Fair Housing Accessibility Guidelines*.
- e. *Architectural Barriers Act of 1968*, as amended (42 USC Section 4151 et seq) and promulgating regulations, the *Uniform Federal Access Standards* (UFAS).
- f. *American National Standard for Accessible and Usable Buildings and Facilities* (ANSI A117.1).
- g. California Department of Housing and Community Development (HCD) *Model Ordinance for Universal Design* (Chapter 726 of Statutes of 2002, adopted Section 17959 of the Health & Safety Code).
- h. New Home Universal Design Checklist (Section 17959.6 of the Health and Safety Code).

Proposed adoption of Regulation Section 135 will provide clarity on certification qualification. A candidate becomes eligible for certification as a CASp after attaining a passing score on the Candidate Examination. The passing standard for the examination shall be established in accordance with professional standards such as the *Standards for Educational and Psychological Testing* (AERA/APA/NCMA, 1999), the *Principles for the Validation and Use of Personnel Selection Procedures*, the *Federal Uniform Guidelines on Employee Selection Procedures* (1978), and recommendations described in the *Standards for the Accreditation of Certification Programs* (NOCA, 2003) by the National Commission for Certifying Agencies (NCCA).

Upon successful completion of the Candidate Examination, an individual will receive an official CASp Certificate, which evidences the successful completion of the examination and certification as a CASp under the Voluntary Certified Access Specialist Program. This certification will be valid for a three year period.

Proposed adoption of Regulation Section 136 will provide understanding on certification renewal. A CASp becomes eligible for renewal of certification after attaining a passing score on the recertification examination. Successful passage of the recertification examination will result in certification for an additional three year period.

In Article 4 (Fees) are adopted to address fees.

Proposed adoption of Regulation Section 141 will provide clarity on fees amount. In order to participate in the Voluntary Certified Access Specialist Program, the following fees will be required:

- a) Initial certification. The total in fees for initial certification is \$1926.00.
 1. \$525.00 *Application Fee*, for processing Candidate Application; non–refundable.

2. \$331.00 *Candidate Examination Fee*, to take the Certification Examination; non–refundable.
3. \$1070.00 *Certification Fee*, for program administration over the initial three–year term of certification; non–refundable.
- b) Certification renewal. The total in fees for certification renewal is \$1400.00.
 1. \$330.00 *Recertification Examination Fee* to take the Recertification Examination prior to expiration of the current term of certification; non–refundable.
 2. \$1070.00 *Certification Renewal Fee*, for program administration over an additional three–year term of certification; non–refundable.

In Article 5 (Enforcement) are adopted to address enforcement.

Proposed adoption of Regulation Section 151 will provide clarity regarding grounds for certification suspension, or denial of certification renewal.

- a) The State Architect or Designee may suspend certification or deny certification renewal when any of the following conditions exist:
 1. The requirements of this subchapter have not been satisfied.
 2. The certificate holder or recertification candidate has been convicted of a crime considered to be substantially related to the qualifications, functions or duties of a person holding a certificate to perform the functions authorized by the certificate in a manner consistent with the public health, safety, or welfare. Such crimes shall include but not be limited to the following:
 - (a) A conviction of child abuse.
 - (b) A conviction as a sex offender.
 - (c) The conviction of any crime involving narcotics, dangerous drugs, or dangerous devices, as defined in Section 4022 of the Business and Professions Code.
 - (d) A conviction for assault and/or battery or lewd conduct.
 3. The State Architect has received a complaint regarding the work of a CASp and has determined the work has not been performed to generally accepted industry standards.
- b) The notice of suspension of a certificate or denial of a certification renewal shall be in writing and shall specify the basis for the suspension or denial of the certification.

Proposed adoption of Regulation Section 152 will set the criteria for rehabilitation. When considering initial certification, suspension of certification, or denial of certification renewal of an applicant or certificate holder convicted of a crime, on the grounds of Article 5, Section 151(a), the State Architect or Designee in evaluating the rehabilitation of such person and his/her eligibility for examination or certification may consider the following criteria:

- a) Nature and severity of the act(s) or offense(s).
- b) The time that has elapsed since commission of the act(s) or offense(s).
- c) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

Proposed adoption of Regulation Section 153 will clarify the appeal process.

- a) Prior to suspending certification or denying certification renewal, the State Architect or Designee will file and serve the CASp with written notice of the action proposed to be taken regarding the certification. The written notice shall include the reasons for the action to be taken, as applicable, and provide a summary of the facts and allegations which form the cause or causes of the action proposed to be taken. The written notice shall also provide information regarding the process for appealing the decision(s).
- b) Service of the written notice of the proposed action to be taken may be by personal service or certified mail.
- c) If a written request appealing the proposed action is delivered to the State Architect Voluntary Certified Access Specialist Program within 15 days from the date of service, the appeal shall be conducted through written submissions. The State Architect or designee shall notify the CASp with a written notice providing the specific dates upon which the Statement of Appeal and supporting documents, if any, shall be filed and the specific location where the Statement of Appeal and supporting documents shall be delivered.
- d) Within 60 days from the date of receipt of the Statement of Appeal, the State Architect or his designee, shall render his determination. The time to render his determination may be extended at the discretion of the State Architect or designee.
- e) To the extent an individual submitting a written request appealing the proposed action requests a hearing, the hearing shall be held as provided for in subsection (f) below.
- f) The State Architect shall designate an appropriate hearing officer to conduct the hearing. The written

notice shall include the date and time set for the hearing. The hearing shall be limited in scope to the allegations set forth in the written notice stating the action being taken. The applicant may also bring a representative of his or her choice.

- g) The applicant or CASp shall be notified in writing of the determination by the State Architect or his designee, who shall issue and serve the written decision upon the applicant or CASp of the decision.
- h) The State Architect or his designee has the discretion to order that a certification be temporarily invalidated pending any appeal or hearing and any post-hearing decision of the State Architect.
- i) Any appeal of a decision rendered by the State Architect or his designee regarding certification may be appealed to the Superior Court.

The Division of the State Architect has made the following initial determinations:

Mandate on local agencies or school districts: None

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government code section 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None.

COST IMPACT ON PRIVATE PERSONS

The Division of the State Architect has determined that the proposed regulations will have a cost impact on a private person. Section 4459.8(b) of the Government Code provides that the State Architect require each applicant for certification as a Certified Access Specialist to pay fees, including an application fee and an examination fee, at a level sufficient to meet the costs of application processing, registration, publishing a list, and other activities that are reasonably necessary to implement and administer the Voluntary Certified Access Specialist Program.

The State Architect shall require each applicant for renewal of certification to pay a fee sufficient to cover

the reasonable costs of reassessing qualifications of renewal applicants.

Section 4459.9(c) of the Government Code provides that all fees collected shall be deposited into the Certified Access Specialist Fund, which is created in the State Treasury. This fund is continuously appropriated without regard to fiscal years for use by the State Architect to implement Sections 4459.5 to 4459.8 of the Government Code.

The Division of the State Architect has determined that the proposed regulations will not have a cost impact on business. The Voluntary Certified Access Specialist Program allows for voluntary participation on the part of those seeking certification as an Access Specialist.

EFFECT ON SMALL BUSINESS

The Division of the State Architect has determined that the proposed regulation does not affect small businesses because the regulation does not regulate small businesses, does not require a report or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The Division of the State Architect must determine that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Division of the State Architect invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS AND INFORMATION

The Division of the State Architect has prepared an initial statement of reasons that sets forth the reasons for the proposed action and has all the information upon which the proposal is based.

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from our website as listed below upon written request to the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file,

which is available for public review by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Division of the State Architect's website as listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be directed to:

Rod Higgins, Senior Architect (Supervisor)
Division of the State Architect
1102 Q Street, Suite 5100
Sacramento, CA 95814
(916) 324-1384
(916) 445-7658 (FAX)
rodney.higgins@dgs.ca.gov

The backup contact person is:

Jim Vitale, Associate Architect
Division of the State Architect
1102 Q Street, Suite 5100
Sacramento, CA 95814
(916) 445-1304
(916) 445-7658 (FAX)
jim.vitale@dgs.ca.gov

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Mr. Vitale at the above address.

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <http://www.dsa.dgs.ca.gov/CertifiedAccess/default.htm>

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Pursuant to Government Code Section 11346.8, should there be a request, no later than 15 days prior to the close of the written comment period, by any interested person or his or her duly authorized representative that a public hearing be held, the Division of the State Architect will hold a public hearing. After holding the hearing and considering all timely and relevant comments received, the Division of the State Architect may adopt the proposed regulations substantially as described in this notice. If the Division of the State Architect makes modifications which are sufficiently related to the originally proposed text, it will make the modi-

fied text (with the changes clearly indicated) available to the public for at least 15 days before the Division of the State Architect adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Rod Higgins at the address indicated above. The Division of the State Architect will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 23. DEPARTMENT OF WATER RESOURCES

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF WATER RESOURCES

NOTICE IS HEREBY GIVEN that the Department of Water Resources, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department of Water Resources proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment addresses reorganizations and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 23, 2007, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 15 days before the close of the written comment period by contacting the Contact Person set forth below.

The Department of Water Resources has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are

based may be obtained by contacting the Contact Person set forth below.

The Department of Water Resources has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Water Resources must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons that the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Amanda Jack
1416 Ninth Street, Room 330-1
Sacramento, California 95814
(916) 651-6851
amandaj@water.ca.gov

GENERAL PUBLIC INTEREST

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that it's Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE TO INTERESTED PARTIES June 8, 2007

NOTICE OF A PUBLIC WORKSHOP FOR COMMENTS ON A DRAFT INTERPRETIVE GUIDELINE FOR HAND-TO-MOUTH TRANSFER OF LEAD EXPOSURE FROM FISHING TACKLE PRODUCTS

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). OEHHA received a request from the Sports Fishing Coalition for guidance on calculating hand-to-mouth transfer of lead exposure from the handling of fishing tackle products during recreational use. The request was made pursuant to Title 22, California Code of Regulations, Section 12204. However, OEHHA determined that issuance of an Interpretive Guideline would be the most appropriate course of action. Therefore, OEHHA is publishing this draft interpretive guideline for public review and comment.

An informal workshop to discuss this guideline has been scheduled for **Wednesday, August 1, 2007**, in the Sierra Hearing Room, California Environmental Protection Agency Building, 1001 I Street, 2nd Floor, Sacramento, California, as an opportunity for providing oral comments on this draft guideline. The workshop will begin at 10:00 a.m. and will end when all business is conducted or 5:00 p.m. Those interested parties who wish to discuss or comment on this guideline document are encouraged to attend the workshop. Interested parties may also submit comments to OEHHA. All comments must be received at or prior to the workshop in or-

der to be considered prior to issuance of a final guideline document by OEHHA.

A copy of the draft interpretive guideline can be obtained from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the OEHHA Web site at: <http://www.oehha.ca.gov/prop65.html>. Copies of the references cited in this draft interpretive guideline are available upon request.

Written comments provided in triplicate, along with supporting information, may be submitted via email to coshita@oehha.ca.gov or to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street address: 1001 I Street
Sacramento, California 95814
Mailing address: P.O. Box 4010 MS-19B
Sacramento, California 95812-4010
Fax: (916) 323-8803
Telephone: (916) 445-6900

In order to be considered, comments must be received at OEHHA by 5:00 p.m., **Wednesday, August 1, 2007**.

RULEMAKING PETITION DECISIONS

BOARD OF EQUALIZATION

TITLE 18. STATE BOARD OF EQUALIZATION

NOTICE OF DECISION AS REQUIRED BY GOVERNMENT CODE SECTION 11340.7

On March 8, 2007, the California State Board of Equalization received a petition from Mr. Stephen H. Bennett requesting that the Board amend subdivision (a) of Property Tax Rule 462.060, *Change in Ownership — Life Estates and Estates for Years*, California Code of Regulations, Title 18, section 462.060.

Mr. Bennett petitioned the Board to amend the Rule to add a new change in ownership exclusion for the creation of a life estate based on a value equivalency test that considers both the age and actuarial life expectancy of the new life tenant.

The Board's authority to adopt regulations governing local boards of equalization when equalizing and county assessors when assessing is found in subdivision (c) of Government Code section 15606.

With the consent of Mr. Bennett, the Board scheduled this matter for hearing on the Chief Counsel Matters agenda at its April 25, 2007 Board meeting.

On April 13, 2007, the Board mailed and posted on the Internet a memorandum containing staff recommendations with regard to the petition.

At its April 25, 2007 meeting, the Board voted to deny the petition in whole. That decision was based on the Board's conclusion that the current version of the regulation is consistent with both Revenue and Taxation Code sections 60 and 62, subdivision (e), and recent appellate court decisions.

After denying the petition, the Board directed staff to research the methods of creating life estates or similar interests in real property, the procedures county assessors use to determine whether or not the creation of a life estate results in a change in ownership, and the appropriate valuation standard to be applied in the reassessment of real property upon the creation of a life estate.

A copy of the petition is available at http://www.boe.ca.gov/regs/rule462_060.htm. A hardcopy of the petition may be requested by contacting Ms. Diane Olson, P.O. Box 942879, 450 N Street, MIC: 80, Sacramento, CA 94279-0080; Telephone (916) 322-9569; Fax (916) 324-3984; E-mail Diane.Olson@boe.ca.gov.

Questions regarding this matter should be directed to Acting Assistant Chief Counsel Robert Lambert, Telephone (916) 324-6593, Fax (916) 323-3387, or E-mail Robert.Lambert@boe.ca.gov.

Attachment — Copy of April 25, 2007 Board Meeting Minutes

2007 MINUTES OF THE STATE BOARD OF EQUALIZATION

Wednesday, April 25, 2007

Proposed Amendments to Property Tax Rule 462.060, *Change in Ownership — Life Estates and Estates for Years*

Robert Lambert, Acting Assistant Chief Counsel, Tax and Fee Programs Division, Legal Department, made introductory remarks regarding the petition to amend Property Tax Rule 462.060, *Change in Ownership — Life Estates and Estates for Years* (Exhibit 4.8).

Speakers: Steven Bennett, CPA, Letwak & Bennett
Bruce Dear, Assessor — Placer County,
CA Assessor's Association

Action: Upon motion of Ms. Chu, seconded by Ms. Mandel and unanimously carried, Ms. Yee, Ms. Chu, Mr. Leonard, Ms. Steel and Ms. Mandel voting yes, the Board denied the petition as recommended by staff

Mr. Leonard moved that the regulation move to an interested parties meeting outlining a Life Estates Pro-

cess. The motion was seconded by Ms. Steel but failed to carry, Mr. Leonard and Ms. Steel voting yes, Ms. Yee, Ms. Chu, and Ms. Mandel voting no.

OTHER CHIEF COUNSEL MATTERS

Bankruptcy Update – Comprehensive Report

Jan Thurston, Assistant Chief Counsel, Legal Affairs Division, Legal Department, made introductory remarks regarding the bankruptcy report (Exhibit 4.9).

ADMINISTRATIVE SESSION

ADMINISTRATIVE MATTERS, CONSENT

With respect to the Administrative Matters, Consent Agenda, upon a single motion of Ms. Chu, seconded by Ms. Steel and unanimously carried, Ms. Yee, Ms. Chu, Mr. Leonard, Ms. Steel and Ms. Mandel voting yes, the Board made the following orders:

Action: Adopt the following resolution extending its best wishes on their respective retirements and its appreciation for their service to the State Board of Equalization and the State of California (Exhibit 4.10).

Carazon E. Pascual, Business Taxes
Specialist,
San Francisco District Office

Action: Adopt the following resolution extending its best wishes and its appreciation for his service to the State Board of Equalization and the State of California (Exhibit 4.11).

Chris Schutz, Tax Counsel, Advisor to
Board Member Chu's Office

Action: Approve the Board Meeting Minutes of:
January 31, 2007
February 1, 2007
February 27, 2007

**DEPARTMENT OF FORESTRY AND
FIRE PROTECTION/OFFICE OF STATE
FIRE MARSHAL**

April 13, 2007

Mr. William Hopple
California Automatic Fire Alarm Association
P.O. Box 1249
Redondo Beach, California 90278-0249

Dear Mr. Hopple:

The Office of the State Fire Marshal has received your February 8, 2007 and March 19, 2007 letters regarding the petition to amend Title 19 California Code of Regulations (CCR), Section 216. These letters have been forwarded to me for response.

The Office of the State Fire Marshal is denying your petition, Government Code Section 11340.7 to amend Title 19, CCR, Section 216. As you may be aware we have been working with the work group that was formed based on the recent chaptering and requirements established by AB 2177 to develop a quicker process for approving and listing fire alarms. We have had 4 work group meetings drafting a new process for the Building Materials Listing (BML) program. A draft of the new BML process is ahead of schedule and will be ready later this month to test the revised process. It is our intent to have the new BML process implemented by January 1, 2008 per AB 2177. Our office is analyzing the fee structure as part of the revised BML process and will report the findings to the work group.

You are welcomed to attend the work group meetings and participate in developing the new BML process.

If you have any questions, please feel free to contact me at (916) 445-8312.

Sincerely,

/s/
Vickie Sakamoto, Chief
Fire Engineering Division

cc: Office of Administrative Law

STRUCTURAL PEST CONTROL BOARD

April 25, 2007

Linda Brown, Interim Director
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

**Re: Notice of Denial of Petition to Amend
Regulations Pursuant to Section 11340.7 of the
Government Code**

Dear Ms. Brown:

On January 10, 2007, the Structural Pest Control Board (Board) received a letter from the law firm of Altshuler Berzon on behalf of the National Resources Defense Council (NRDC) requesting several amendments to section 1999.5 of title 16 of the California Code of Regulations, relating to false and misleading advertising. The Board may, in accordance with the provisions of section 8525 of the Business and Professions Code, adopt, amend or repeal regulations relating to the practice of pest control.

The Board considered this letter a petition for regulatory amendment under section 11340.6 of the Government Code. As the letter was received less than ten days before the Board's January meeting, the Board notified the petitioner that the request would be heard at the

Board's next meeting in April. An NRDC representative attended the January meeting and commented about the pending petition.

At the April Board meeting, the Board considered the petition as agenda item seven and public comment was received. After much discussion and debate, the Board denied the petition in whole but created a task force to review the regulations and propose recommendations that would permit pest control operators to make truthful, non-deceptive and enforceable environmental claims to consumers. The Board denied the petition on the basis that the proposed amendments did not retain an adequate level of consumer protection but also recognized that changed water quality circumstances and overall environmental concerns necessitated a review of the regulations.

Any person interested in obtaining a copy of the petition may contact Kelli Okuma, Executive Officer of the Board, by telephoning (916) 561-8700 or writing to 1418 Howe Avenue, Suite 18, Sacramento, CA 95825. If you have any questions, please contact me.

Sincerely,

DOREATHEA JOHNSON
Deputy Director
Legal Affairs

By KURTHEPPLER
Staff Counsel

cc: Kelli Okuma, Executive Officer, Structural Pest
Control Board
Claire Prestel, Esq., Alshuler Berzon

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD Chip Reflash

This action results from a Judgment and Writ invalidating most of a previous regulatory action that included a new section 2011 and related amendments to other sections in Title 13. The Writ was issued on December 7, 2006 by Sacramento Superior Court. On March 15, 2007, the Court accepted a stipulation by the parties that clarified and narrowed the scope of related amendments to include only those specifically related to reflash. Exhibit C to the Stipulation and Order issued by the court is the Final Regulation Order and shows the specific changes required by the court.

Title 13
California Code of Regulations
AMEND: 2180.1, 2181, 2184, 2185, 2186, 2192,
2194 REPEAL: 2011
Filed 05/23/07
Agency Contact: Alexa Malik (916) 322-4011

BOARD OF BARBERING AND COSMETOLOGY Cleaning and Disinfecting Pedicure Footspa Equipment

This certification permanently amends one section and adopts two sections to Title 16, Division 9 of the Barbering and Cosmetology regulations. These changes regulate the procedures for cleaning and disinfecting various types of footspas commonly used in salons. These changes are necessary because current cleaning procedures do not adequately protect patrons from "serious pedicure-related skin infections."

Title 16
California Code of Regulations
ADOPT: 980.2, 980.3 AMEND: 980.1
Filed 05/30/07
Effective 05/30/07
Agency Contact: Paul Cobb (916) 445-8893

BOARD OF PHARMACY Abandonment of Application Files

Board of Pharmacy proposed amendment to Title 16, California Code of Regulations, section 1706.2 to add four license categories for which applications for licensure may be deemed abandoned. Generally, the application categories in this section are deemed abandoned if an applicant fails to complete all application requirements within 60 days of being notified by the Board of Pharmacy of application deficiencies. The four additional license categories are added for consistency with existing application categories in this section. New subdivision (e) extends to one year the period for resolving application deficiencies for intern pharmacist appli-

cants only. All applicants whose applications are deemed abandoned are required to re-apply and meet all requirements in effect at the time of re-application.

Title 16
California Code of Regulations
AMEND: 1706.2
Filed 05/23/07
Effective 06/22/07
Agency Contact:
Virginia Herold (916) 445-5014 x4005

CALIFORNIA HORSE RACING BOARD Occupational Licenses and Fees

This amendment to Title 4 section 1481 adds "Backstretch Event Personnel" to a list of persons required to obtain an annual license.

Title 4
California Code of Regulations
AMEND: 1481
Filed 05/30/07
Effective 06/29/07
Agency Contact: Harold Coburn (916) 263-6397

CALIFORNIA STUDENT AID COMMISSION SNAPLE for Nurses in State Facilities

This action defines terms and adopts standards and procedures for administration of the program whereby the state offers to assume a portion of a nursing student's education loans in return for serving at a state-operated health care facility with a nursing vacancy rate greater than ten percent. The regulations implement Education Code sections 70125 through 70128.

Title 5
California Code of Regulations
ADOPT: 30920, 30921, 30922, 30923, 30924, 30925, 30926, 30927
Filed 05/30/07
Effective 05/30/07
Agency Contact: Linda Brown (916) 526-7599

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS Counselor Certification

In order to work as a counselor in an alcohol and other drug (AOD) treatment program, individuals are currently required to be registered or certified by any of the certifying organizations listed in Section 13035, Title 9, California Code of Regulations (CCR). Section 13035 currently requires all certifying organizations to become accredited by the National Commission for Certifying Agencies (NCCA) by April 1, 2007 in order to continue certifying AOD counselors. This emergency

regulatory action would extend that accreditation deadline to September 30, 2007.

Title 9
California Code of Regulations
AMEND: 13035
Filed 05/24/07
Effective 05/24/07
Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT Income Limits

This regulatory action was transmitted to OAL pursuant to Health & Safety Code section 50093 for filing with the Secretary of State and publication in the California Code of Regulations. It is the annual update of income limits for households of varying sizes. These income limits are required to be published pursuant to Health & Safety Code sections 50079.5, 50093, 50105 and 50106.

Title 25
California Code of Regulations
AMEND: 6932
Filed 05/23/07
Effective 04/18/07
Agency Contact: Lenora Frazier (916) 323-4475

DIVISION OF WORKERS COMPENSATION Workers' Compensation — Forms

These changes without regulatory effect update the mailing address of the Division of Workers Compensation on the application forms used for approval of a Medical Provider Network; Plan Modification; Independent Medical Review; and for objecting to a recommendation for spinal surgery, noting the Division's move from San Francisco to Oakland.

Title 8
California Code of Regulations
AMEND: 9767.4, 9767.8, 9768.10, 9788.11
Filed 05/23/07
Effective 05/23/07
Agency Contact: Carol N. Finuliar (415) 286-0660

FISH AND GAME COMMISSION Mammal Hunting Regulations

This rulemaking sets the tag numbers for the 2007 deer, antelope and bighorn sheep hunting season for rifle, archery and muzzleloader hunters. The amendments also change several hunting seasons based on requests from military commanders and expand or close some hunting areas. The amendments also remove the requirement for some hunts that applicants for tags be California citizens, in conformance with SB 1032, Stats 2006.

Title 14
California Code of Regulations
AMEND: 360, 361, 362, 363, 364, 702, 708
Filed 05/29/07
Effective 05/29/07
Agency Contact: Sheri Tiemann (916) 654-9872

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Cranes and Other Hoisting Equipment — Signals

OSHSB is amending existing provisions pertaining to signal persons and crane operations on construction sites. The amendment requires employers to ensure “effective communication” between crane operators and signal persons when more than one crane is in use. In addition, a provision is being added to state that when two-way radios are used, a dedicated frequency is required between the operators.

Title 8
California Code of Regulations
AMEND: 5001
Filed 05/23/07
Effective 06/22/07
Agency Contact: Marley Hart (916) 274-5721

SECRETARY OF STATE

HAVA Statewide Voter Registration Database

The Help America Vote Act of 2002 (HAVA) in 42 U.S.C. 15483 required each state with voter registration requirements for elections for federal office to implement, through the chief state elections official, a single, uniform, official, centralized interactive computerized statewide voter registration list by January 1, 2004. Pursuant to a waiver pursuant to 42 U.S.C. 15483(d)(1)(B), the statewide voter registration list requirements became effective for California on January 1, 2006. On December 12, 2005, an emergency regulatory action which adopted interim provisions implementing such a list in California beginning January 1, 2006 was approved and filed. This filing is a readoption of the emergency regulations containing changes from the latest emergency regulatory action filed on December 13, 2006.

Title 2
California Code of Regulations
ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, 20108.80
Filed 05/23/07
Effective 05/23/07
Agency Contact: Judith Carlson (916) 651-6971

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN DECEMBER 27, 2006 TO MAY 30, 2007

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

05/23/07 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, 20108.80
05/21/07 AMEND: 18402
05/17/07 ADOPT: 1859.70.4, 1859.71.6, 1859.77.4, 1859.162.1, 1859.162.2, 1859.162.3, 1859.163.4, 1859.163.5, 1859.163.6, 1859.163.7, 1859.169.1
AMEND: 1859.2, 1859.51, 1859.60, 1859.61, 1859.70.3, 1859.71, 1859.78.9, 1859.83, 1859.93.2, 1859.160, 1859.161, 1859.162, 1859.163.1, 1859.163.2, 1859.163.3, 1859.164, 1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.167, 1859.167.1, 1866.4, 1866.13
Repeal: 1859.162.1
05/17/07 AMEND: 52900
05/14/07 AMEND: 599.664
05/08/07 ADOPT: 1185.2, 1185.3, 1185.4
AMEND: 1185, 1185.01, 1185.02, 1185.03, 1185.1
05/08/07 AMEND: div. 8, ch. 48, sec. 53700
04/30/07 AMEND: 1859.124.1
04/25/07 AMEND: 1859.83, 1859.202, 1866
04/16/07 AMEND: 18401
04/04/07 AMEND: 28010 REPEAL: 36000
03/27/07 AMEND: 59560
03/20/07 ADOPT: 18746.3
03/15/07 AMEND: div. 8, ch. 102, section 59100
03/14/07 AMEND: div. 8, ch. 73, section 56200
03/01/07 AMEND: 21922
02/28/07 AMEND: 714

CALIFORNIA REGULATORY NOTICE REGISTER 2007, VOLUME NO. 23-Z

02/16/07 AMEND: 1859.2, 1859.76, 1859.83,
1859.163.1, 1859.167, 1859.202, 1866
02/02/07 AMEND: 2561, 2563, 2564, 2565, 2566,
2567
01/26/07 ADOPT: 599.550, 599.552, 599.553,
599.554 AMEND: 599.500
01/19/07 ADOPT: 18531.62, 18531.63, 18531.64
AMEND: 18544
01/11/07 AMEND: 1894.4, 1896.12
01/09/07 ADOPT: 18530.3
01/09/07 AMEND: 18707.1
01/09/07 ADOPT: 18534
01/08/07 ADOPT: 1859.106.1 AMEND: 1859.106

Title 3

05/07/07 AMEND: 3433
05/07/07 AMEND: 6860
05/03/07 ADOPT: 3035 REPEAL: 3035, 3035.1,
3035.2, 3035.3, 3035.4, 3035.5, 3035.6,
3035.7, 3035.8, 3035.9
04/25/07 AMEND: 3433(b)
04/23/07 AMEND: 3591.20
04/20/07 ADOPT: 3434
04/20/07 AMEND: 3591.20(a)
04/03/07 AMEND: 3591.20(a), 3591.20(b)
04/02/07 AMEND: 752, 796.6, 1301
03/28/07 AMEND: 3591.2(a)
03/27/07 ADOPT: 1446.9, 1454.16
03/21/07 ADOPT: 3591.20
03/15/07 ADOPT: 1371, 1371.1, 1371.2
03/07/07 AMEND: 3423(b)
03/06/07 AMEND: 3700(c)
02/15/07 ADOPT: 499.5, 513, 513.5 AMEND:
498, 499, 500, 501, 502, 504, 505, 509,
510, 511, 512, 512.1, 512.2, 514, 515,
516, 517, 525, 551, 552, 553, 554, 604.1
REPEAL: 499.5, 503, 506, 508, 512.3,
527, 536, 537, 538, 539, 540, 541, 543,
544, 546, 547, 550
02/14/07 AMEND: 3700(c)
02/08/07 AMEND: 3433(b)
02/08/07 AMEND: 6170, 6172, 6200
02/07/07 AMEND: 6170, 6172, 6200
01/31/07 AMEND: 3591.12(a)
01/24/07 AMEND: 3591.13(a)
01/18/07 AMEND: 3433(b)
01/18/07 AMEND: 3800.1, 3800.2
01/18/07 AMEND: 3433(b)
01/18/07 AMEND: 3423(b)
01/09/07 AMEND: 3433(b)
01/08/07 AMEND: 3591.2(a)
01/08/07 AMEND: 3591.6(a)
01/05/07 AMEND: 3433(b)
01/05/07 AMEND: 6625

01/05/07 AMEND: 3406(b)
01/03/07 AMEND: 3424(b)

Title 4

05/30/07 AMEND: 1481
05/08/07 AMEND: 1433
05/07/07 AMEND: 1606
04/24/07 ADOPT: 9071, 9072, 9073, 9074, 9075
04/19/07 AMEND: 10176, 10177, 10178, 10179,
10180, 10181, 10182, 10183, 10188
03/13/07 ADOPT: 7075, 7076, 7077, 7078, 7079,
7080, 7081, 7082, 7083, 7084, 7085,
7086, 7087, 7088, 7089, 7090, 7091,
7092, 7093, 7094, 7095, 7096, 7097,
7098, 7099 REPEAL: 7000, 7001, 7002,
7003, 7004, 7005, 7006, 7007, 7008,
7009, 7010, 7011, 7012, 7013, 7014,
7015, 7016, 7017
02/08/07 ADOPT: 12550, 12552, 12554, 12556,
12558, 12560, 12562, 12564, 12566,
12568, 12572
02/08/07 ADOPT: 12341
01/31/07 AMEND: 12590
01/30/07 ADOPT: 12460, 12461, 12462, 12463,
12464, 12466
01/30/07 AMEND: 12101, 12301.1, 12309
01/30/07 AMEND: 12358
01/26/07 AMEND: 1433
01/17/07 ADOPT: 523
01/11/07 AMEND: 1536

Title 5

05/30/07 ADOPT: 30920, 30921, 30922, 30923,
30924, 30925, 30926, 30927
05/18/07 ADOPT: 19828.2, 19829.5, 19830.1,
19837.1, 19838, 19846 AMEND: 19816,
19816.1, 19828.1, 19830, 19837, 19854
05/11/07 AMEND: 30023(c)
05/07/07 ADOPT: 30910, 30911, 30912, 30913,
30914, 30915, 30916, 30917
04/23/07 ADOPT: 30710, 30711, 30712, 30713,
30714, 30715, 30716, 30717, 30718
04/17/07 AMEND: 18013, 18054, 18068
04/09/07 ADOPT: 11962, 11962.1
04/06/07 AMEND: 41301
03/29/07 AMEND: 42356
03/19/07 AMEND: 41550
03/19/07 AMEND: 41301
03/01/07 AMEND: 19816, 19851, 19852, 19853
02/28/07 AMEND: 80028, 80487
02/16/07 ADOPT: 11987, 11987.1, 11987.2,
11987.3, 11987.4, 11987.5, 11987.6,
11987.7

02/08/07	ADOPT: 1000, 1000.1, 1000.2, 1000.3, 1000.4, 1000.5, 1000.6, 1000.7	3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415
01/17/07	ADOPT: 55151, 55151.5 AMEND: 55002, 55150, 58160	
01/17/07	ADOPT: 58707 AMEND: 58704, 58770, 58771, 58773, 58774, 58776, 58777, 58779 REPEAL: 58706, 58775	12/29/06 ADOPT: 3100 3200.010, 3200.020, 3200.030, 3200.040 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3405, 3410, 3415, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100 3200.010, 3200.020, 3200.030, 3200.040 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415
01/10/07	AMEND: 55806	
Title 8		
05/23/07	AMEND: 9767.4, 9767.8, 9768.10, 9788.11	
05/23/07	AMEND: 5001	
05/21/07	AMEND: 9768.5, 9788.31	
05/16/07	AMEND: 8397.16	
04/27/07	AMEND: 1801, 8416	
04/26/07	ADOPT: 10225, 10225.1, 10225.2	
04/24/07	AMEND: 5004, 5047, 8379	
04/20/07	AMEND: 1620, 1626, 1629	
04/20/07	AMEND: 5148(c)	
04/18/07	AMEND: 20299, 20363, 20407	
03/29/07	AMEND: 3664(a)	
03/27/07	AMEND: 3291, 3292, 3295, 3296	
03/06/07	AMEND: 1529, 1532, 1532.1, 1535, 5144, 5190, 5198, 5200, 5202, 5207, 5208, 5210, 5211, 5213, 5214, 5217, 5218, 5220, 8358	
03/02/07	ADOPT: 1731 AMEND: 1730	
03/01/07	AMEND: 1541	
02/28/07	AMEND: 9789.40	
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